

REMARKS

By the present amendment and the accompanying RCE, claims 1 - 5 and 7 - 20 have been canceled, claim 6 having been previously canceled, and new claims 21 - 43 have been presented wherein claims 21, 24 and 32 are independent claims with the other claims being dependent claims. Applicants submit that the independent and dependent claims should be considered to be in compliance with 35 USC 112, second paragraph, and to patentably distinguish over the cited art, as will become clear from the following discussion.

More particularly, as to the rejection of claims 1 - 20 under 35 USC 112, second paragraph, the newly submitted claims are considered to overcome the various points raised by the Examiner. Turning to independent claim 21, for example, such claim recites an information electric appliance renting system in which a service providing company leases to a plurality of individual use contractors at least one information electric appliance based upon contracts between the service providing company and the plurality of individual use contractors. As shown in Fig. 1 of the drawings of this application, the service providing company is represented by reference numeral 2 and includes a rent managing server 200 and contracts with a plurality of individual use contractors 1 such as individual homeowners or the like to lease or rent at least one information electric appliance, represented in Fig. 1 by at least one of an E-air conditioner 31, and E-refrigerator 32 and an e-television 33. As described in the specification in conjunction with Figures 1 and 4, for example, the at least one information electric appliance enables sending of data indicative of at least electric power consumed thereby to a rent managing server 200 of the service providing company 2 through a communication line as shown, and also enables receipt from the rent managing server of data relating to rent for the at least one

information electric appliance which includes an amount corresponding to the electric power consumed thereby. That is, the service providing company receives from the plurality of individual use contractors 1 payment of the rent, and pays an electric power company 5 an amount corresponding to the total consumed electric power of the leased information electric appliances of the combined individual use contractors.

In accordance with the present invention, the service providing company as described in the paragraph bridging pages 20 and 21 of the specification of this application makes a rental contract with a large number of use contractors 1 so that an amount of consumed electric power becomes enormous. For this reason, the service providing company can make a large contract with the electric power supplying company 5, i.e., can make a contract therewith for which a discount is made as compared with each of the electric power contracts which individual use contractors make with the electric power supply company. That is, generally, the charge, for example, for kilowatt hour is reduced each time a set total amount of consumed power is exceeded. In this manner, the service providing company obtains a lower rate per kilowatt hour when paying the electric power company based upon the total consumed electric power of the individual use contractors for the power consumed by the leased information electric appliances thereof. On the other hand, the individual use contractor only pays a rental fee which includes a consumed power fee for the leased information electric appliance. It is noted that the contract between the service providing company and the electric power company is further defined in new claim 22, for example, and new claim 23 further defines the feature that the data sent by the at least one information electric appliance to the rent managing server includes information relating to at least one of manufacturing use of at least one information electric appliance as described in the specification of this

application. Applicants note that independent claims 24 and 32 recite similar features and applicants submit that the independent and dependent claims of this application patentably distinguish over the cited art should be considered to be in compliance with 35 USC 112.

As to the rejection of claims 1 - 20 under 35 USC 102(e) as being anticipated by Yabutani et al (6,775,595 B1) this rejection is considered to be obviated by the cancellation of claims 1 - 5 and 7 - 20, claim 6 having been previously canceled and the presentation of new claims 21 - 43. Furthermore, insofar as the rejection may be considered to be applicable to the newly presented claims, such rejection is traversed and reconsideration and withdrawal of the rejection are respectfully requested.

As to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Irrespective of the contentions by the Examiner, Yabutani et al does not disclose or teach an information electric appliance renting system in which a service providing company leases to a plurality of individual use contractors, at least one information electric appliance based on contracts between the service providing company and the plurality of individual use contractors. Applicants submit that Yabutani et al is directed to providing energy saving equipment in a supervised load facility, which facility is a consumer of a large amount of electric power. Thus, Yabutani et al is not directed to leasing of at least one information electric appliance to a plurality of individual use contractors, as recited in the independent claims of this application. In Yabutani et al, a merit fee is determined taking into account the total power consumption prior to introducing the energy saving apparatus with respect to the total power consumption for the facility after introducing the energy saving equipment. However, in accordance with the present invention, the service providing company pays the electric power fee for the electric power company by totaling the consumed electric power fee for the leased information electric appliances of the plurality of individual use contractors, and charges a rental fee to each of the individual use contractors based upon the leased information electric appliances and the consumed power thereof, which features are recited in each of the independent claims 21, 24 and 32 of this application. Applicants submit that such features as recited in the independent and dependent claims of this application are not disclosed or taught in Yabutani et al in the sense of 35 USC 102.

With respect to the dependent claims, applicants note that the dependent claims recite additional features which are not disclosed or taught in the cited art in the sense of 35 USC 102 such that the independent and dependent claims of this

application patentably distinguish over Yabutani et al in the sense of 35 USC 102 and should be considered allowable thereover.

As to any suggestion by the Examiner that the claimed features as now set forth in the independent and dependent claims thereof would be rendered obvious by Yabutani et al in the sense of 35 USC 103, applicants note that Yabutani et al and the present application have a common assignee and the Examiner is referred to 35 USC 103(c) which is applicable to the present application such that a rejection under 35 USC 103 based upon Yabutani et al would not be proper.

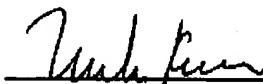
In view of the newly submitted claims, applicants submit that all claims present in this application should now be in condition for allowance. Applicants request that the Examiner upon taking up this application for action contact the undersigned attorney to schedule an interview so that any outstanding issues can be resolved and this application be allowed.

For the foregoing reasons, favorable action in this application in this application is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.40416X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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